

## DECLARATION - USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled SYSTEM AND METHOD FOR AUTOMATED ANALYSIS OF LOAD TESTING RESULTS; the specification of which was filed on August 6, 2002 as Application Serial No. 10/214,421.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: 60/310,724

Filing Date: August 6, 2001

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Itzhak Smocha (also known as Tzachi Smocha)**

Date November 15, 2002

Residence: 757 Sutter Avenue, Palo Alto, CA 94303

### **Citizenship: Israel**

**Post Office Address: Same As Above**

Full name of second inventor: **Gideon Landan**

Inventor's signature G. Landan

Date Nov. 3 2002

Residence: **241 Dizengoff Street, Tel-Aviv 63116**

Citizenship: **Israel**

Post Office Address: **Same As Above**

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Send Correspondence To:

KNOBBE, MARTENS, OLSON & BEAR, LLP  
**Customer No. 20,995**

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110102



MERCURY 131A NSA

ROS

UNITED STATES

PATENT AND

TRADEMARK OFFICE

APRIL 14, 2003

PTAS

KNOBBE, MARTENS, OLSON & BEAR, LLP  
RONALD J. SCHOENBAUM  
2040 MAIN STREET  
FOURTEENTH FLOOR  
IRVINE, CA 92614

Under Secretary of Commerce For Intellectual Property and  
Director of the United States Patent and Trademark Office  
Washington, DC 20231  
[www.uspto.gov](http://www.uspto.gov)



\*102312700A\*

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF  
THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS  
AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER  
REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE  
INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA  
PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD  
FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY  
CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723.  
PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE,  
ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY,  
SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 12/16/2002

REEL/FRAME: 013565/0391

NUMBER OF PAGES: 3

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

SMOCHA, ITZHAK

DOC DATE: 11/15/2002

ASSIGNOR:

LANDAN, GIDEON

DOC DATE: 11/03/2002

ASSIGNEE:

MERCURY INTERACTIVE CORPORATION  
1325 BORREGAS AVENUE  
SUNNYVALE, CALIFORNIA 94089

SERIAL NUMBER: 10214421

FILING DATE: 08/06/2002

PATENT NUMBER:

ISSUE DATE:

SHAREILL COLES, EXAMINER  
ASSIGNMENT DIVISION  
OFFICE OF PUBLIC RECORDS

Client Code: MERCURY.131A

RECORDA

12-16-02

12-16-2002



or copy thereof.

TO THE ASSISTANT COMMISSIONER FOR PATENTS

1. Name of conveying parties: (If multiple assignors, list numerically)

1. Itzhak Smocha
2. Gideon Landan

Additional names of conveying parties attached?

( ) Yes (X) No

102312700

2 parties:

Name: Mercury Interactive Corporation

Street Address: 1325 Borregas Avenue

City: Sunnyvale State: CA ZIP: 94089

Additional name of receiving party attached?

( ) Yes (X) No

3. Nature of conveyance:

(X) Assignment  
( ) Merger  
( ) Security Agreement  
( ) Change of Name  
( ) Other:

Execution Date: (If multiple assignors, list execution dates in numerical order corresponding to numbers indicated in 1 above) 1. November 15, 2002 2. November 3, 2002

4. Application number or Patent number:

( ) Application(s) filed herewith Execution Date(s):

(X) Patent Application No.: 10/214,421  
Filing Date: August 6, 2002

( ) Patent No.:

Issue Date:

Additional numbers attached? ( ) Yes (X) No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Ronald J. Schoenbaum  
KNOBBE, MARTENS, OLSON & BEAR, LLP  
Customer No. 20,995  
Internal Address: Fourteenth Floor  
Street Address: 2040 Main Street  
City: Irvine State: CA ZIP: 92614  
Attorney's Docket No.: MERCURY.131A

7. Total fee (37 CFR 1.21(h)): \$40.00

(X) Enclosed

( ) Authorized to be charged to deposit account

8. Deposit account number: 11-1410

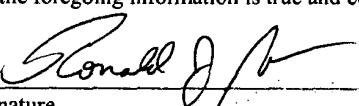
Please charge this account for any additional fees which may be required, or credit any overpayment to this account.

6. Total number of applications and patents involved: 1

9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct, and any attached copy is a true copy of the original document.

Ronald J. Schoenbaum  
Name of Person Signing

  
Signature

Date

12-12-02

38,297  
Registration No.

Total number of pages including cover sheet, attachments and document: 3

Mail documents to be recorded with required cover sheet information to:

12/16/2002 TDIAZ1 00000191 10214421

01 FC:8021

40.00 OP

U.S. Patent and Trademark Office

Attn: Assignment Division

Crystal Gateway-4

1213 Jefferson Davis Highway, Suite 320  
Arlington, VA 22202

ASSIGNMENT

WHEREAS, We, **Itzhak Smocha**, a citizen of Israel, residing at 757 Sutter Avenue, Palo Alto, CA 94303, and **Gideon Landan**, a citizen of Israel, residing at 241 Dizengoff Street, Tel-Aviv 63116, have invented certain new and useful improvements in a SYSTEM AND METHOD FOR AUTOMATED ANALYSIS OF LOAD TESTING RESULTS for which we have filed an application for Letters Patent in the United States, on August 6, 2002 as Application No. 10/214,421;

AND WHEREAS, **Mercury Interactive Corporation** (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at 1325 Borregas Avenue, Sunnyvale, CA 94089, desires to acquire the entire right, title, and interest in and to the improvements and the Application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the improvements, and the application and all provisional applications relating thereto including application no. 60/310,724, filed August 6, 2001, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as afore, to issue all Letters Patent for improvements to the ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 15 day of November, 2002.

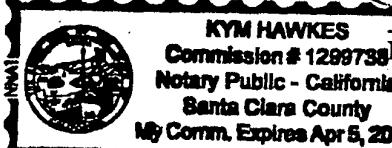
  
Itzhak Smocha

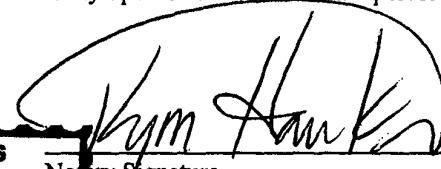
STATE OF California }  
COUNTY OF Santa Clara } ss.

On 11/15/2002, before me, Kym Hawkes, personally appeared Itzhak Smocha personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(ies), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



  
Notary Signature

Application No.: 10/214,421  
Filing Date: August 6, 2002

PATENT  
Client Code: MERCURY.131A  
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 3 day of Nov., 2002.

G. Landan  
Gideon Landan

AHIEKAM KAUFMAN

Witness Name (Please Print)

Mihir Kaufman Nov 3rd, 2002  
Witness Signature and Date

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants	:	Smocha, et al.	)
			)
App. No.	:	10/214,421	)
			)
Filed	:	August 6, 2002	)
			)
For	:	SYSTEM AND METHOD FOR AUTOMATED ANALYSIS OF LOAD TESTING RESULTS	)
			)
Examiner	:	UNKNOWN	)
			)

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

United States Patent and Trademark Office  
P.O. Box 2327  
Arlington, VA 22202

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original Assignment of the above-captioned application from the inventor(s) to the Assignee is attached hereto. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, Fourteenth Floor, Irvine, California 92614, Telephone (949) 760-0404, Customer

App. No. : 10/214,421  
Filed : August 6, 2002

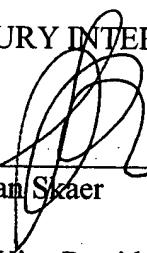
No. 20,995, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

MERCURY INTERACTIVE CORPORATION

Dated: November 15, 2002

By:

 Susan Skaer

Title: Vice President and General Counsel

Address: 1325 Borregas Avenue  
Sunnyvale, CA 94089

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110402

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Application No.: 10/214,421  
Filing Date: August 6, 2002

PATENT

Client Code: MERCURY.131A  
Page 1

## ASSIGNMENT

WHEREAS, We, **Itzhak Smocha**, a citizen of Israel, residing at 757 Sutter Avenue, Palo Alto, CA 94303, and **Gideon Landan**, a citizen of Israel, residing at 241 Dizengoff Street, Tel-Aviv 63116, have invented certain new and useful improvements in a SYSTEM AND METHOD FOR AUTOMATED ANALYSIS OF LOAD TESTING RESULTS for which we have filed an application for Letters Patent in the United States, on August 6, 2002 as Application No. 10/214,421;

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AND WE HEREBY covenant and agree that we will communicate to the ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for improvements in all countries.

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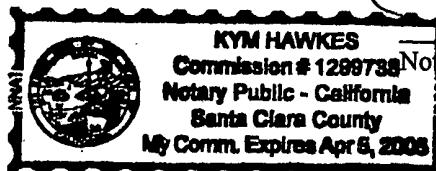
*COPY*  
Itzhak Smocha

STATE OF California }  
COUNTY OF Santa Clara } ss.

On 11/15/2002, before me, Kym Hawkes, personally appeared **Itzhak Smocha** personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument, and acknowledged to me that he executed the same in his authorized capacity(jes), and that by his signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

[SEAL]



*Kym Hawkes*

Application No.: 10/214,421  
Filing Date: August 6, 2002

**COPY**

**PATENT**

Client Code: MERCURY.131A  
Page 2

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 3 day of Nov., 2002.

G! @ Landan  
Gideon Landan

AHEKAM KAUFMAN

Witness Name (Please Print)

Mihir Kaufman Nov 3rd, 2002

Witness Signature and Date